

MINUTES

SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION 520 PARK DRIVE BOILING SPRINGS, PA 17007

July 17, 2007

PRESENT: TROY TRUAX, TOM HOUF, TONY GONZALEZ HOWARD ROSE, DUFF MANWEILER - PLANNING COMMISSION; Richard Mislitsky – Solicitor; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Diane Hollinger – Recording Secretary; Carson Ritchie; Joel Snyder; Hubert Gilroy; Rob Cronin; Larry Lahr; Jon Starr; Matt Burtner; Gregg Cox; Bill Swanick; Jim Baker; Steve Mellen; Tom Benjey; Ken Kieber; William Moore; Allyn Perkins, DMD; Bob Geist; Bob Beers; Laura Lenhart; Rick Hoover; Ronald Stadnicki; Heidi Stadnicki; Pam Frohman; Dave Nesbit; Steve Hess; Jennifer McKenna; Martha Green; John Anderson; John Hilton – “The Sentinel”; Andrea Ciccocioppo – “The Patriot-News”.
ABSENT: PHYLLIS GIVLER – PLANNING COMMISSION.

Chairman Troy Truax called the meeting to order at 7:00 PM. Planning Commission and staff introduced themselves.

MINUTES

Tom made a motion to approve the minutes of 6/19/07, as written. Howard seconded, and the vote in favor was 4 to 0. (Duff was not on the Planning Commission for the June meeting.)

PUBLIC INPUT

Tom Benjey, E. Springville Road, suggested re-examining the ordinance for truck parking requirements since there seems to be a need for truck drop lots.

#06-23 THE TOWNES AT SUMMERBRIDGE VILLAGE – PRELIMINARY SUBDIVISION & LAND DEVELOPMENT

This plan was tabled.

#06-25 TRAMMELL CROW (SPARKS TRACT) – FINAL SUBDIVISION

This plan was tabled.

#07-04 LIMESTONE CREEK, PHASE 1 – FINAL SUBDIVISION & LAND DEVELOPMENT

This plan was tabled.

#06-11C GEORGETOWNE – CONDITIONAL USE

This plan was tabled.

#07-06C THE ORCHARDS AT MARSH RUN – CONDITIONAL USE

Attorney Hubert Gilroy presented this conditional use that proposes the development of a life

care community on approximately 300 acres of land, formerly known as the Wolf and Leo farms, on the south side of Marsh Drive. Mr. Gilroy stated that his client agrees with the comments of the Planning Department as well as the recommendations of the Township's geotechnical consultant. Mr. Gilroy added that since there are no separate lots associated with this plan, there are no deeds to be conveyed.

Troy asked whether Mr. Gilroy was satisfied with the site plan as submitted and that there would be no substantial changes to it as part of the conditional use. Mr. Gilroy replied yes.

There was no public comment.

Troy made a motion to recommend approval of #07-06C, subject to comments of the Planning Department memo dated 7/12/07, as well as the comments of the consultant in the letter dated 6/29/07. Howard seconded, and the roll call vote in favor was 4 to 0, with Duff recusing himself due to being on the Board of Directors for The Orchards.

#07-09 WALNUT BOTTOM GROVE – PRELIMINARY/FINAL SUBDIVISION

This plan was tabled.

#07-10 44 CARLISLE SM FORGE ASSOCIATES, LLC & 44 CARLISLE SM TWO ASSOCIATES, LP – FINAL MINOR SUBDIVISION & LAND DEVELOPMENT

This plan was tabled.

#07-11 – SECOND STATE ENTERPRISES – FINAL MINOR SUBDIVISION & LAND DEVELOPMENT

This plan was tabled.

#07-07C ST. PATRICK'S SCHOOL – CONDITIONAL USE

Attorney Huber Gilroy and consultant, John Lucciani, presented this conditional use for the construction of a new 29,500-square foot activity center, athletic fields and additional parking in conjunction with the St. Patrick's Church. The new building at is a new location as a result of a land swap with Church of God. Mr. Lucciani explained that there had been prior conditional use approval. He then used an exhibit to discuss the details of this proposal. He stated that there would be a third access from this property onto Marsh Drive, and that this would be for emergency use. Mr. Gilroy stated that the applicant will use the Church of God's wellhead protection requirements for this plan. He also said that Planning Department's comments on the memo dated 7/12/07 will be implemented.

There were no comments from either the Planning Commission or the public.

Tony made a motion to recommend approval of #07-07C, subject to staff comments. Howard seconded, and the roll call vote in favor was 5 to 0.

#07-08C SPRINT/NEXTEL/NEXTEL PARTNERS – CONDITIONAL USE

Attorney Rob Cronin, and Larry Lahr and Phil Grubner of Launch Wireless and Jon Starr, RF engineer for Sprint/Nextel, presented this plan for conditional use approval to erect a 150-foot high telecommunications tower and facilities at 1450 Trindle Road, Carlisle. The property is currently in industrial use for a steel erection contractor. Mr. Lahr stated that the tower would be built to resemble a flagpole. He also said that the existing screening would be used, and that the equipment shelter would be painted the same color as the existing building.

Duff asked what is to the rear of this proposed tower. Mr. Lahr replied that it is slated for future commercial development. He added that the property to the west of the proposed tower location is owned by RSJ Holdings, LLC, who also owns the 1450 Trindle Road property.

Troy asked why the applicant is requesting a waiver of the \$75,000 performance security, and that it be a removal bond rather than a performance bond, as required by Township ordinance. The applicant is seeking a reduction of this amount that would cover the cost of removal of the equipment. Mr. Lahr replied that he feels that this amount is excessive, and that \$12,000 to \$15,000 as a removal bond is more reasonable. Tim stated that the Township has received \$40,000 removal bonds from other cell towers in the area. Mr. Lahr agreed to the \$75,000 bond.

Mr. Lahr said that the request to accommodate three collocators instead of the five required by ordinance is based upon the maximum height of 150 feet that the applicant needs for Sprint/Nextel coverage. He added that the tower would have to be higher in order to add more than three additional carriers, and that four additional collocators would be the maximum number. Mr. Mislitsky asked why the waiver is being requested at this point. Mr. Lahr replied that the tower would have to be built with an increased girth now in order to accommodate future collocators since the tower could not be added onto in the future. Civil engineer Phil Burtner explained that the proposed flagpole design would be a pole of 44 inches at the bottom, tapering to 28 inches at the top. To add additional carriers would require too many cables inside the proposed pole, since all antennae would be placed inside the pole. Tony noted that since there are 3 major carriers in the area, and if one of those would want to collocate at this site, the proposed tower could accommodate it. Duff suggested undertaking a review of ordinance requirements for height and number of carriers.

Brian said that there are unique circumstances for this tower, in that there are already two other carriers not far away, and that the applicant would not be able to use the other two positions even if they were installed now.

Tony said that limiting the height of towers could increase the number of towers in the Township.

Mr. Mislitsky stated that the Township encourages locating new telecommunication equipment on existing structures, if at all possible. Mr. Lahr said that with a lower tower the applicant can locate on an existing structure.

Public Comment:

Tom Benjey asked how many carriers are in the area of the proposed tower. Mr. Lahr replied that there are 2. Mr. Benjey asked whether more towers might be proposed at Spring Meadows Park. Tim explained that now such facilities are only permitted in the IDistrict, or on an existing structure. Mr. Lahr said that height cannot be added to the “flagpole” that is being proposed, but that if it were a monopole, then height could be added.

Tony made a motion to recommend approval of #07-8C, subject to waiving additional screening, keeping the performance security at \$75,000 and accepting the waiver to provide for three additional collocators. Howard seconded, and the roll call vote in favor was 5 to 0.

Tom suggested that more research be done on the cost of the performance bond and the actual cost of removal of the flagpole tower.

#07-05S PINTO PROPERTY – TRUCK DROP LOT - SKETCH

Troy asked Dave Nesbit, of Nesbit Development, LLC, to present an overview of his memo describing the drop lot. Mr. Nesbit said that this project is an attempt to manage the number of trucks moving through the area, and improve the air quality due to truck idling while waiting to deliver their loads.

Mr. Mislitsky asked the reasons for the variance requests. Mr. Nesbit explained that the increased lot coverage of 60% is needed in order to make this project economically viable. He also said that since access to Allen Road is restricted by PennDOT, this project would use Logistics Drive as access. He added that stormwater would not be infiltrated, but retained in ponds.

Planning Commission comments:

Tony asked how this drop lot works. Mr. Nesbit explained that a tractor trailer would check in at a staffed guardhouse, drop off one trailer and possibly pick up another trailer to deliver somewhere. Tony said that the trailer contents should be identified so as not to create problems for emergency crews that might respond to an incident at that location, or on nearby I-81. He also said that the security system has to be more than simply a guardhouse with a couple of TV monitors. He added that any smoke or flames could affect traffic on I-81.

Troy asked how hazardous materials would be handled and how long trailers would remain in this lot. Mr. Nesbit replied that as the property owner, he would be responsible for any leakages that occurred.

Tom said that the movement of trucks within this area needs to be monitored, and not have them use this lot to idle before proceeding to their next destination.

Public Comment:

Tom Benjey suggested using the farmhouse on this site as a restaurant.

Charles Breslin, Clean Air Board, made a short presentation.

Rick Hoover, North Middleton Township, asked about the need for this drop lot. Mr. Breslin replied he would provide comments in writing to the Board, as requested by the solicitor.

ADJOURNMENT:

The meeting was adjourned at 9:25 PM.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
PLANNING COMMISSION CHAIRMAN:**
